



Culture, Media and Sport Committee

House of Commons 7 Millbank London SW1P 3JA

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Dear Harbottle and Lewis

29 July 2011

Thank you for your letters of 20th, 21st July and 28th July. I am pleased to note that you have received a waiver of privilege from News Corp and News International, in relation to questions from the Select Committee.

You will be aware that in his evidence to the CMS Committee on 19 July 2011, James Murdoch referred to the review of internal emails that Harbottle and Lewis carried out for News International in May 2007. On 27 May 2007, Harbottle and Lewis wrote to Jon Chapman, News International's Director of Legal Affairs at the time, that :

We have on your instructions reviewed the emails to which you have provided access from the accounts of:

Andy Coulson, Stuart Kuttner, Ian Edmondson, Clive Goodman, Neil Wallis, Jules Stenson

I can confirm that we did not find anything in those emails which appeared to us to be reasonable evidence that Clive Goodman's illegal actions were known about and supported by both or either of Andy Coulson, the Editor, and Neil Wallis, the Deputy Editor, and/or that Ian Edmondson, the News Editor, and others were carrying out similar illegal procedures.

On 19 July 2011, James Murdoch told the Committee that the review of emails conducted by Harbottle & Lewis was one of the things that News International rested on when reassuring the Committee in 2009 that phone hacking was the work of one rogue reporter (Q346, Q362). James Murdoch told the Committee that when News International re-examined the file of emails retained by Harbottle and Lewis in 2011 it determined that there was a requirement to bring it to the attention of the police (Q335, Q339, Q363 and Q365).

The Committee invites you to reconsider the letter of 27 May 2009 accepted as evidence by the Committee in 2009.

The Committee also requests that you respond in writing to the questions appended to this letter. I note that some of the questions would normally have been covered by legal professional privilege. It is, however, our view that, by putting in issue the legal advice it received, and by expressly referring to it to support a claimed lack of guilty intent, News International has waived its legal professional privilege. I would, therefore, expect you to be able to respond.

I note that you have undertaken to write to the Committee once you have had a meeting with the Metropolitan Police. However, it would be helpful if you could respond to the Committee's secretariat using the contact details above. I would appreciate your response no later than 11 August.

Andrew Gillies
[second clerk]

pp/ JOHN WHITTINGDALE OBE MP
CHAIRMAN

Questions for written answer

1. When was Harbottle and Lewis first instructed in respect of matters concerning alleged or suspected phone-hacking?
2. Were these instructions given on behalf of News International Ltd, News Group Newspapers Ltd, or on behalf of both?
3. Please could you provide details of the instructions, including a copy of any document in which the instructions were reduced into writing.
4. Which individual gave the instructions on behalf of News International Ltd/News Group Newspapers Ltd, and to which individual at Harbottle and Lewis were the instructions addressed?
5. Please supply details of Harbottle and Lewis's primary point of contact at News International Ltd/News Group Newspapers Ltd. You have explained in your letter of 20 July to the Chairman that Mr Lawrence Abramson acted in this matter on a retainer from News International. Please confirm whether or not any other member of your firm was involved in preparing advice under this retainer, and please identify any such person.
6. What description of the emails provided was supplied to Harbottle and Lewis by News International Ltd/News Group Newspapers Ltd? Please supply a copy of any relevant letter or communication from the Correspondence File mentioned in your letter of 20 July.
7. Please indicate whether Harbottle and Lewis became aware at any time that the documentation supplied was incomplete and, if so, please describe in what way it was incomplete.
8. Please indicate whether any particular type of activity was excluded from the scope of the investigation commissioned from Harbottle and Lewis.
9. Did the investigation extend to other individuals at the newspaper, for instance Neville Thurlbeck and Ross Hindley/Hall if not, why not?
10. Please describe any additional documentation requested by Harbottle and Lewis in connection with their investigation.
11. Please set out what advice was given orally, by whom, to whom, and when.
12. Please set out what advice was given in writing, by whom, to whom, and when.
13. Please confirm whether or not the documents provided to Harbottle and Lewis provided any grounds for reasonable suspicion that a criminal act might have been or might be committed by any employee or director of News International Ltd or of News Group Newspapers Ltd, and if so, what advice was given by Harbottle and Lewis?
14. Please confirm when Mr Abramson closed his file and retained it in archived storage. Please also confirm whether or not the contents of the file

retrieved from the archive earlier this year are the same as those of the file closed by Mr Abramson.

15. Please set out any matters in respect of which Harbottle and Lewis believes that this Culture, Media and Sport Select Committee or its predecessor may have been given misleading, or inaccurate information about the review undertaken by Harbottle and Lewis.